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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91214649
Party	Plaintiff Noodle Time, Inc.
Correspondence Address	JANET C MOREIRA MAVEN INTELLECTUAL PROPERTY 5801 BISCAYNE BLVD MIAMI, FL 33137 UNITED STATES trademarks@maveniplaw.com, janet@maveniplaw.com, stephanie@maveniplaw.com
Submission	Motion to Strike
Filer's Name	Stephanie Alvarez
Filer's e-mail	stephanie@maveniplaw.com
Signature	/s/Stephanie C. Alvarez/
Date	02/26/2015
Attachments	Motion to Strike.pdf(93806 bytes ) Exhibit A to Motion to Strike.pdf(266303 bytes )

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
TRADEMARK TRIAL AND APPEAL BOARD**

**NOODLE TIME, INC.,**  
Opposer,

**Opposition No.: 91214649**

v.

Mark: **BENNY HUNNA**

Serial No.: 85/920,599

**BENNY HODGE,**  
Applicant.

Filing date: May 1, 2013

Publication Date: October 8, 2013

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**OPPOSER'S MOTION TO STRIKE APPLICANT'S SUR-REPLY**

Opposer, Noodle Time, Inc. ("NTI" or "Opposer"), by and through undersigned counsel, hereby moves the Board to strike Applicant's Response to Opposer's Motion for Judgment As a Sanction for Applicant's Failure to Fully Comply with the Board's Order Dated December 5, 2014 (D.E. 16) ("Sur Reply"). A copy of Applicant's Sur-Reply is attached hereto as Exhibit A.

On January 29, 2015, Opposer filed a Motion for Judgment As a Sanction for Applicant's Failure to Fully Comply with the Board's Order Dated December 5, 2014 (DE 11) ("Motion"). Applicant filed a Response to Opposer's Motion on February 12, 2015 (DE 12) and Opposer filed its Reply in Support of Opposer's Motion on February 17, 2015 (DE 15), thereby completing the briefing on its Motion. Applicant improperly and without the Board's authorization, filed a Sur-Reply on February 26, 2015. Accordingly, Opposer respectfully requests that Applicant's Sur-Reply be disregarded by the Board and stricken in its entirety.

Dated: **February 26, 2015**

/s/ Stephanie C. Alvarez /  
Janet C. Moreira, Esq.  
Stephanie C. Alvarez, Esq.  
**MAVEN Intellectual Property**  
333 S.E. 2<sup>nd</sup> Ave, Suite 2000

Miami, FL 33131  
E-mail: [janet@maveniplaw.com](mailto:janet@maveniplaw.com)  
E-mail: [stephanie@maveniplaw.com](mailto:stephanie@maveniplaw.com)  
Local: 305.967.7450  
Toll Free: 855.63MAVEN (636.2836)

Counsel for Opposer Noodle Time, Inc.

**CERTIFICATE OF ELECTRONIC TRANSMISSION**

The undersigned hereby certifies that this document is being transmitted electronically through ESTTA pursuant to 37 C.F.R. § 2.195(a) on **February 26, 2015**

/s/Stephanie C. Alvarez /  
Stephanie C. Alvarez

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and accurate copy of the foregoing document has been served on all counsel and/or parties of record via electronic mail transmission on February 26, 2015 as follows:

**By Email:** [bennyhodge25@yahoo.com](mailto:bennyhodge25@yahoo.com)  
Benny Hodge  
122 Country Club Drive  
Greenwood, MS 38930

/s/Stephanie C. Alvarez/  
Stephanie C. Alvarez

**EXHIBIT A**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Mark: BENNY HUNNA

Serial No: 85/920,599

Filing Date: May 1, 2013

NOODLE TIME, INC. vs. BENNY HODGE

Opposition No: 91214649

RESPONSE TO REPLY IN SUPPORT OF OPPOSER'S MOTION FOR  
ENTRY OF JUDGEMENT AS A SANCTION FOR APPLICANT'S  
FAILURE TO FULLY COMPLY WITH THE BOARD'S ORDER DATED  
DECEMBER 5, 2014

INTRODUCTION

Applicant, Benny Hodge, hereby respectfully submits this RESPONSE TO REPLY IN SUPPORT OF OPPOSER'S MOTION FOR ENTRY OF JUDGEMENT AS A SANCTION FOR APPLICANT'S FAILURE TO FULLY COMPLY WITH THE BOARD'S ORDER DATED DECEMBER 5, 2014. Opposer filed a REPLY IN SUPPORT OF OPPOSER'S MOTION FOR ENTRY OF JUDGEMENT AS A SANCTION FOR APPLICANT'S FAILURE TO FULLY COMPLY WITH THE BOARD'S ORDER DATED DECEMBER 5, 2014 on February 17, 2015.

REPLY TO APPLICANT HAS FAILED TO SUBSTANTIVELY  
SUPPLEMENT HIS INITIAL ANSWERS RESPONSES AND  
DOCUMENT PRODUCTION AS ORDERED BY THE TTAB

Opposer has admitted to receiving “documents” from Applicant in the form of internet websites. Applicant has provided Opposer’s with his social media sites he controls for the Subject Mark BENNY HUNNA. Applicant has made a typo to his Facebook and Twitter web page by placing commas at the end of the websites to separate them and is submitting the following respectfully as corrections to the typing error. Applicant made a typing error on one letter in his Youtube webpage address typing a “w” instead of an “s” and is submitting the following respectfully as corrections to the typing error.

<https://www.youtube.com/channel/UCrTqkOargZoEXYzsomfJ3dA>

<https://www.facebook.com/benny.hunna1>

<https://twitter.com/h2hunna>

Applicant objects to Opposer’s allegations that Applicant’s Interrogatory No. 6 response conflicts. Applicant produces and edits his own videos and it cost him nothing to make them and post them on his Youtube, Facebook, and Twitter pages.

## **REPLY TO DISCOVERY DATES SHOULD BE RESET**

Applicant has complied with the Board’s Order and Applicant respectfully request that dates remain as set by Board. Applicant requests if Discovery dates are reset then Applicant respectfully requests the Board reset the Discovery for both parties.

## **CONCLUSION**

Applicant respectfully request that the Board DENY Opposer’s MOTION OF ENTRY OF JUDGMENT AS A SANCTION FOR APPLICANT’S FAILURE TO COMPLY WITH THE BOARD’S ORDER DATED DECEMBER 5, 2014 due to Applicant’s compliance.

Dated: February 25, 2015

2/25/2015

**X** Benny Hodge

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Benny Hodge  
Defendent  
Signed by: FedEx Office

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Benny Hodge

122 Country Club Dr.

Greenwood, MS 38930

Tel: (662)897-8525

Email: [bennyhodge25@yahoo.com](mailto:bennyhodge25@yahoo.com)

## CERTIFICATE OF SERVICE

**I HEREBY CERTIFY** that the foregoing RESPONSE TO REPLY IN SUPPORT OF OPPOSER'S MOTION FOR ENTRY OF JUDGEMENT AS A SANCTION FOR APPLICANT'S FAILURE TO FULLY COMPLY WITH THE BOARD'S ORDER DATED DECEMBER 5, 2014 has been served on Opposers in the following manner:

### BY E-MAIL

Janet C. Moreira

MAVEN INTELLECTUAL PROPERTY

5801 Biscayne Blvd.

Miami, Florida 33137

[janet@maveniplaw.com](mailto:janet@maveniplaw.com)